

# EXHIBIT C

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CEDAR GROVE COMPOSTING,  
INCORPORATED,

Plaintiff,

v.

IRONSHORE SPECIALTY INSURANCE  
COMPANY,

Defendant.

Case No.: 2:14-cv-01443-RAJ

DECLARATION OF MICHELLE DULUC  
IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO PLAINTIFF'S MOTION  
FOR DETERMINATION OF PROPER  
FORUM UNDER FIRST-TO-FILE RULE

Note on Motion Calendar:  
March 20, 2015

I, Michelle Duluc, being first duly sworn upon oath, depose and say:

1. I am an Assistant Vice President for Ironshore Environmental Claims,  
authorized claims administrator for Ironshore Specialty Insurance Company ("Ironshore"),  
and make this declaration based upon my own personal knowledge and in support of  
Defendant's Response to Motion for Determination of Proper Forum Under First-to-File Rule.  
I could competently testify to the matters stated herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email dated  
February 26, 2015, and its attached letter from Michael A. Patterson of the law firm Patterson

DECLARATION OF MICHELLE DULUC IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE  
RULE- 1  
CASE NO.: 2:14-CV-01443-RAJ

LAW OFFICES OF  
COZEN O'CONNOR  
A Professional Corporation  
Suite 1900  
999 Third Avenue  
Seattle, Washington 98104  
(206) 340-1000

1 Buchanan Fobes & Leitch, Inc., P.S., addressed to me and dated February 25, 2015. Mr.  
2 Patterson's firm is the law firm working for Cedar Grove Composting in the defense of four  
3 pending lawsuits against Cedar Grove, two pending in Superior Court of the State of  
4 Washington in and for King County and two pending Superior Court of the State of  
5 Washington in and for Snohomish County.

6 3. The payments spreadsheet attached to the February 2015 letter from Cedar  
7 Grove's defense counsel, Exhibit A, contains totals (on the final page of Exhibit A) stating  
8 that Cedar Grove's defense counsel had received payments from Ironshore, through February  
9 2015, totaling over \$4.5 Million (more specifically, \$4,524,738.92).

10 4. The payments spreadsheet attached to the February 2015 letter from Cedar  
11 Grove's defense counsel, Exhibit A, contains a "Balance Due" column on the far right, stating  
12 on the final page, row 11, that the "Balance Due" to Cedar Grove's defense counsel for all  
13 amounts invoiced for Cedar Grove's defense was \$103.00 as of May 27, 2014.

14 5. The payments spreadsheet attached to the February 2015 letter from Cedar  
15 Grove's defense counsel, Exhibit A, states that as of August 20, 2014, aside from the above-  
16 referenced \$103.00 shortfall as of May 2014, the oldest unpaid amounts were 70 days old for  
17 two invoices issued by Cedar Grove's defense counsel dated June 11, 2014 (final page, row  
18 12 and 13).

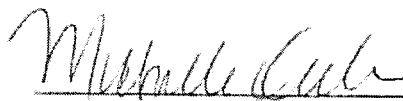
19 6. Attached hereto as **Exhibit B** is a true and correct copy of a spreadsheet,  
20 current through March 13, 2015, stating the payments issued by Ironshore for Cedar Grove's  
21 legal and claims expenses in the four above-referenced lawsuits. The four claim numbers  
22 used by Ironshore for the referenced payments as tracked by Ironshore's accounting  
23 department are ENV00023213, ENV00023215, ENV00028216, and ENV00028217.

24  
25 DECLARATION OF MICHELLE DULUC IN SUPPORT OF  
26 DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE  
RULE- 2  
CASE NO.: 2:14-CV-01443-RAJ

LAW OFFICES OF  
COZEN O'CONNOR  
A Professional Corporation  
Suite 1909  
999 Third Avenue  
Seattle, Washington 98104  
(206) 340-1000

1 I declare under penalty of perjury under the laws of the State of New York and the  
2 United States that the foregoing statements are true and correct to the best of my knowledge  
3 and belief.

4 DATED: March 16, 2015.

5   
6 Michelle Duluc  
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25 DECLARATION OF MICHELLE DULUC IN SUPPORT OF  
26 DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE  
RULE- 3  
CASE NO.: 2:14-CV-01443-RAJ

LAW OFFICES OF  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiffs: Michael A. Moore, WSBA No. 27047  
Corr Cronin Michelson Baumgardner Fogg & Moore LLP  
1001 Fourth Avenue, Suite 3900  
Seattle, WA 98154-1051  
mmoore@correronin.com

DATED: March 16, 2015.

/s/Jan Young  
Jan Young, Legal Assistant

DECLARATION OF MICHELLE DULUC IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE  
RULE- 4  
CASE NO.: 2:14-CV-01443-RAJ

LAW OFFICES OF  
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Seattle, Washington 98104  
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# EXHIBIT A

**Young, Jan**

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**Subject:** FW: Avila, et al / Davis, et al v. Cedar Grove Composting, Inc. - Claim Nos.: ENV00028216 / ENV00023215  
**Attachments:** Letter to Duluc regarding Invoices.pdf

-----Original Message-----

From: Stephanie M. Murphy (<mailto:smm@pattersonbuchanan.com>)  
Sent: Thursday, February 26, 2015 11:44 AM  
To: Michelle Duluc  
Cc: Michael A. Patterson; Sarah E. Heineman  
Subject: Avila, et al / Davis, et al v. Cedar Grove Composting, Inc. - Claim Nos.: ENV00028216 / ENV00023215

Dear Ms. Duluc,

Attached please find my letter with enclosures to you regarding the issue referenced above.

Kind regards,

Stephanie M. Murphy on behalf of Michael A. Patterson

Stephanie M. Murphy | Executive Assistant to Michael A. Patterson and Board of Directors Patterson Buchanan Fobes & Leitch, Inc., P.S.  
2112 Third Ave., Suite 500 | Seattle, WA 98121 Direct 206.462.6745 | Email [smm@pattersonbuchanan.com](mailto:smm@pattersonbuchanan.com)

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## PRINCIPALS

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Charles P. E. Leitch\*  
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Sean D. Jackson  
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Anthony C. Soldato†  
Kasper Sorensen†•  
Kristina B. Terrien  
Andrew M. Weinberg  
Sarah M. Zubair•

○ Also admitted in California  
⊙ Also admitted in D.C.  
● Also admitted in Idaho  
° Also admitted in Florida  
◆ Also admitted in Maryland  
✱ Also admitted in Michigan  
\*\* Also admitted in Montana  
† Also admitted in New York  
• Also admitted in Oregon

## OF COUNSEL

Timothy R. Busch†  
Charles W. Lind

February 25, 2015

*Via Email Only*

Ms. Michelle Duluc  
Assistant-Vice President - Claims  
IRONSHORE Environmental  
Ironshore Environmental  
One State Street Plaza, 7th Floor  
New York, NY 10004

Re: *Avila, et al v. Cedar Grove Composting, Inc.*  
*Davis, et al v. Cedar Grove Composting, Inc.*  
Claim Nos.: ENV00028216 & ENV00023215

Dear Ms. Duluc:

This letter provides a response to your email of Wednesday, February 25, 2015. Thank you for confirming that payments on invoices 17327, 18718, 20043, and 20044 will be forthcoming soon. We will look for payment to arrive no later than March 6, 2015. Please let us know if it will not arrive by that date. In addition, Ms. Heineman emailed you a copy of invoice 18719 on February 25, per your request.

According to our records, in addition to the \$181,521.14 reflected in invoice 18719, the following amount remains outstanding: \$26,257.75. A basic review of invoices and payments will demonstrate that this amount remains outstanding. Enclosed is a spreadsheet that shows the invoices to date, along with all payments received to date, and a running balance owed to Patterson Buchanan.

If you have any questions remaining after reviewing this information, it is essential that we conduct a telephone conference promptly to resolve those issues. This call should take place,



Ms. Michelle Duluc  
February 25, 2015  
Page 2

if needed, on Friday, February 27. If that date is not convenient, the call should occur no later than Monday, March 2. Please let us know immediately if such a call is required.

In the event that this resolves your questions, please advise us, no later than Friday, February 27, when payment can be expected on the remaining outstanding balance of \$207,778.89. As we have explained previously, our fee agreement with Ironshore is explicitly based on Ironshore's agreement to payment of our invoices on a 30-day scheduled. It is essential that we finally resolve these issues regarding older, outstanding invoices.

Very truly yours,



Michael A. Patterson

Enclosure

Invoices and Payments Spreadsheet

SEH/seh

Matter ID	Date (Billed or Received)	Statement Closing Date	Statement No	Billed	Check No	Paid	Balance Due PBFL
Avila	3/8/2013	2/28/2013	14829	51,654.44			51,654.44
Avila	4/12/2013	3/31/2013	15102	79,011.71			130,666.15
Avila	5/15/2013	4/30/2013	15337	89,104.98			219,771.13
Avila	6/19/2013	5/31/2013	15591	107,719.74			327,490.87
Avila	7/17/2013	6/30/2013	15830	72,772.13			400,263.00
Davis	7/17/2013	6/30/2013	15831	60,642.47			460,905.47
Avila	8/28/2013	7/31/2013	16069	99,267.25			560,172.72
Davis	8/28/2013	7/31/2013	16068	92,479.60			652,652.32
Avila	9/10/2013	8/31/2013	16231	108,079.67			760,731.99
Davis	9/10/2013	8/31/2013	16232	100,972.52			861,704.51
Avila	9/16/2013				ck # 106907 (Cedar Grove)	-100,000.00	761,704.51
Avila	9/24/2013				ck# 106980 (Cedar Grove)	-150,000.00	611,704.51
Avila	10/16/2013	9/30/2013	16499	104,544.36			716,248.87
Davis	10/16/2013	9/30/2013	16500	118,372.72			834,621.59
Avila	11/6/2013	10/31/2013	16507	81,667.36			916,288.95
Davis	11/6/2013	10/31/2013	16508	77,471.20			993,760.15
Avila	12/6/2013	11/30/2013	16841	68,447.92			1,062,208.07
Davis	12/6/2013	11/30/2013	16842	86,085.15			1,148,293.22
Davis	12/17/2013				ck # 107571 (Cedar Grove)	-250,000.00	898,293.22
Avila	1/8/2014	12/31/2013	17079	119,300.89			1,017,594.11
Davis	1/8/2014	12/31/2013	17078	120,780.00			1,138,374.11
Avila	2/3/2014				ck # 92042	-72,772.13	1,065,601.98
Avila	2/3/2014				ck # 92033	-99,267.25	966,334.73
Avila	2/3/2014				ck # 92039	-108,079.67	858,255.06
Avila	2/3/2014				ck # 92041	-81,667.36	776,587.70
Avila	2/3/2014				ck # 92035	-68,447.92	708,139.78
Davis	2/3/2014				ck # 92032	-86,085.15	622,054.63
Avila	2/4/2014				ck # 92043	-51,654.44	570,400.19
Avila	2/4/2014				ck # 92038	-79,011.71	491,388.48
Avila	2/4/2014				ck # 92040	-89,104.98	402,283.50
Avila	2/4/2014				ck # 92044	-107,719.74	294,563.76
Davis	2/4/2014				ck # 92036	-60,642.47	233,921.29
Davis	2/4/2014				ck # 92037	-92,479.60	141,441.69
Davis	2/4/2014				ck # 92034	-100,972.52	40,469.17
Avila	2/12/2014	1/31/2014	17326	165,649.65			206,118.82
Davis	2/12/2014	1/31/2014	17327	165,293.00			371,411.82
Davis	2/19/2014				ck # 92083	-77,471.20	293,940.62
Avila	3/5/2014				ck # 92575	-139,494.90	154,445.72
Davis	3/5/2014				ck # 92574	-154,445.72	0.00
Avila	3/7/2014	2/28/2014	17538	156,485.96			156,485.96
Davis	3/7/2014	2/28/2014	17539	159,362.60			315,848.56

